B.   REMARKS

By this amendment, Claims 10, 12, 20, 22 and 30-49 have been canceled and new Claims 50-77 have been added. Hence, Claims 50-77 are pending in this application. The new claims do not add any new matter to this application. All issues raised in the Office Action mailed March 22, 2004 are addressed hereinafter.

REJECTION OF CLAIMS 10, 12, 20, 22, 30 AND 31 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 10, 12, 20, 22, 30 and 31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is respectfully submitted that this rejection is now moot in view of the cancellation of Claims 10, 12, 20, 22, 30 and 31. Accordingly, reconsideration and withdrawal of the rejection of Claims 10, 12, 20, 22, 30 and 31 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTION OF CLAIMS 10, 12, 20, 22, 30 AND 31 UNDER 35 U.S.C. § 103(a)

Claims 10, 12, 20, 22, 30 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *DeSomer*, U.S. Patent No. 5,173,901 in view of *Servel*, U.S. Patent No. 4,884,264. It is respectfully submitted that this rejection is now moot in view of the cancellation of Claims 10, 12, 20, 22, 30 and 31. Accordingly, reconsideration and withdrawal of the rejection of Claims 10, 12, 20, 22, 30 and 31 under 35 U.S.C. § 103(a) as being unpatentable over *DeSomer* in view of *Servel* is respectfully requested.

NEW CLAIMS 50-77

It is respectfully submitted that new Claims 50-77 are patentable over *DeSomer* and

Servel, taken alone or in combination, because Claims 50-77 include one or more limitations that

are not in any way taught or suggested by *DeSomer* and *Servel*.

CLAIM 50

Claim 50 recites a method for communicating data from a source to a destination over a

communications link that requires:

> "receiving and storing a synchronous data stream into a first data buffer, wherein the
>   synchronous data stream has a first average data bit rate;
> receiving and storing an asynchronous data stream into a second data buffer, wherein the
>   asynchronous data stream has a second average data bit rate;
> transmitting, over the communications link during a plurality of time periods comprising
>   a first subplurality of time periods and a second subplurality of time periods, an
>   output data stream that includes a first set of one or more data bits that are
>   transmitted onto the communications link from the first buffer during the first
>   subplurality of time periods and a second set of one or more data bits that are
>   transmitted onto the communications link from the second data buffer during the
>   second subplurality of time periods; and
> wherein if the second average data bit rate is less than the first average data bit rate, then
>   during the second subplurality of time periods, the values of all of the data bits in
>   the second set of one or more data bits are the same and represent the value of the
>   asynchronous data stream."

It is respectfully submitted that *DeSomer* and *Servel* do not teach or suggest a method for

communicating data from a source to a destination over a communications link where, as recited

in Claim 50 "if the second average data bit rate is less than the first average data bit rate, then

during the second subplurality of time periods, the values of all of the data bits in the second set

of one or more data bits are the same and represent the value of the asynchronous data stream."

In *DeSomer*, a synchronous stream (STM) and asynchronous stream (ATM) are multiplexed and

transmitted onto link L1. There is no indication in *DeSomer* that data bits in the ATM that are

multiplexed with data bits from the STM are the same during the second subplurality of time periods and represent the value of the ATM "if the second average data bit rate is less than the first average data bit rate," as recited in Claim 50. In the hybrid TDM system of *Servel*, there is also no indication that "if the second average data bit rate is less than the first average data bit rate, then during the second subplurality of time periods, the values of all of the data bits in the second set of one or more data bits are the same and represent the value of the asynchronous data stream," as is required by Claim 50. It is therefore respectfully submitted that Claim 50 includes one or more limitations that are not taught by *DeSomer* and *Servel*, taken alone or in combination, and that Claim 50 is therefore patentable over *DeSomer* and *Servel*.

CLAIMS 51-56

Claims 51-56 all depend from Claim 50 and include all of the limitations of Claim 50. It is therefore respectfully submitted that Claims 51-56 are patentable over *DeSomer* and *Servel* for at least the reasons set forth herein with respect to Claim 50. Furthermore, it is respectfully submitted that Claims 51-56 recite additional limitations that independently render them patentable over *DeSomer* and *Servel*.

NEW CLAIMS 57-63

New Claims 57-63 contain limitations similar to Claims 50-56, except in the context of computer-readable media. It is therefore respectfully submitted that new Claims 57-63 are patentable over *DeSomer* and *Servel* for at least the reasons set forth herein with respect to Claims 50-56.

NEW CLAIMS 64-70

New Claims 64-70 contain limitations similar to Claims 50-56, except in the context of apparatuses. It is therefore respectfully submitted that new Claims 64-70 are patentable over *DeSomer* and *Servel* for at least the reasons set forth herein with respect to Claims 50-56.
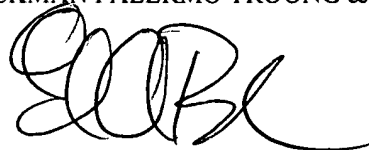
NEW CLAIMS 71-77

New Claims 71-77 contain limitations similar to Claims 50-56, except in the context of apparatuses. It is therefore respectfully submitted that new Claims 71-77 are patentable over *DeSomer* and *Servel* for at least the reasons set forth herein with respect to Claims 50-56.

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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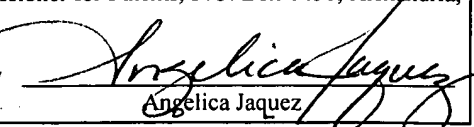Reg. No. 37,777
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